

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JASON JONES,

Plaintiff,

-against-

MAYFLOWER INTERNATIONAL HOTEL
GROUP,
INC d/b/a HOWARD JOHNSON LONG ISLAND
CITY
AND INDIVIDUAL, JACK CHANG

Defendants.

Case No. 15 Civ. 4435

AMENDED
ANSWER

ANSWER

Defendants MAYFLOWER INTERNATIONAL HOTEL GROUP, INC d/b/a HOWARD JOHNSON LONG ISLAND CITY ("defendant"), by their attorney Elio Forcina, hereby answer the correspondingly numbered paragraphs of plaintiff's Complaint, filed on July 29, 2015, upon information and belief, as follows:

1. Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraphs "1 through 11" of the complaint, paragraphs "12 through 18" of the Complaint and paragraphs "21 through 90" of the complaint.

2. Defendant Admits paragraphs “11”, “19” and “20” of the complaint.

DEEFENSES

1. The Complaint must be dismissed in whole or in part for failure to comply with the applicable statute of limitations.
2. The Complaint fails to state a claim upon which relief can be granted.
3. Plaintiff failed to exhaust his claims administratively to the extent that plaintiff: (i) asserts bases for discrimination that plaintiff failed to assert in his complaint before the EEOC; (ii) claims harassing, retaliatory or discriminatory acts that were not raised during informal EEOC counseling; or (iii) contends that harassing, retaliatory or discriminatory acts occurred more than 45 days prior to the date that plaintiff requested informal EEOC counseling.
4. Plaintiff failed to comply with the statute of limitations to the extent that plaintiff: (i) asserts bases for discrimination that plaintiff failed to assert in her complaint before the EEOC; (ii) claims harassing, retaliatory and discriminatory acts that were not raised during informal EEOC counseling; or (iii) contends that harassing, retaliatory or discriminatory acts occurred more than 45 days prior to the date that plaintiff requested informal EEOC counseling.
5. Defendant acted at all times in accordance with all applicable laws.
6. Defendant did not unlawfully discriminate or retaliate against plaintiff, and plaintiff was not subject to discrimination, harassment or retaliation.
7. Plaintiff is not disabled within the meaning of any and all applicable laws.

8. Defendant did not retaliate against plaintiff for protected activity, if any, conducted by plaintiff.

9. Defendant's actions were motivated by legitimate, non-discriminatory reasons that were not pretextual.

10. To the extent that plaintiff claims that the instant action is a "mixed-motive" case, and to the extent that plaintiff can demonstrate that her alleged age, race, gender, color, national origin, disability, or other protected characteristic was a motivating factor for the allegedly adverse employment action taken by defendant, which plaintiff cannot demonstrate, defendant would have taken the same action notwithstanding plaintiff's alleged age, race, gender, color, national origin, disability or other protected characteristic.

11. Plaintiff's claims for damages must be barred or reduced because plaintiff failed to mitigate her damages.

12. The injuries and damages alleged, to the extent they exist, must be barred or reduced because the plaintiff failed to mitigate such alleged damages.

13. Plaintiff is not entitled to a trial by jury under the ADEA.

14. Plaintiff is not entitled to punitive damages or pre judgment interest.

15. Plaintiff conspired with others to receive money from the hotel in a Unclean and unjust way by filing this frivolous lawsuit.

WHEREFORE, defendant demands judgment dismissing the Complaint in its entirety, and for such other and further relief as this Court may deem just and proper.

Dated: Middle Village, NY

October 14, 2015

Respectfully submitted,



Elio Forcina

Attorney for Defendants

66-85 73rd PLACE, 2ND FLOOR

MIDDLE VILLAGE, NEW YORK 11379

TEL: (347) 528-7099

ATTORNEY VERIFICATION

STATE OF NEW YORK)
 : ss.:
COUNTY OF QUEENS)

Elio Forcina, being duly sworn, deposes and says:

1. I am the attorney for MAYFLOWER INTERNATIONAL HOTEL GROUP, INC d/b/a HOWARD JOHNSON LONG ISLAND CITY, the defendant in the within proceeding.

2. I have read the foregoing Amended ANSWER and know the contents thereof; and the same is true to my own knowledge, except as to those matters therein stated to be alleged upon information and belief, and as to those matters, deponent believes them to be true.

3. This verification is made by deponent because the essential facts in the pleadings are based upon my review of the books and records of the respondent.

4. This verification is made by the deponent as attorney because the Principal XIAOZHUANG GE is currently in China and out of the County where the Attorney maintains his offices.



Elio Forcina

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-----X
JASON JONES

Plaintiff,

- against -

MAYFLOWER INTERNATIONAL HOTEL GROUP,
INC d/b/a HOWARD JOHNSON LONG ISLAND CITY
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Defendants.
-----X

AMENDED ANSWER

Elio Forcina
Attorney for Defendants
66-85 73rd PLACE, 2ND FLOOR
MIDDLE VILLAGE, NEW YORK 11379
TEL: (347) 528-7099

ELIO FORCINA, ESQ